

APR 27 2006

## BLAKELY SOKOLOFF TAYLOR &amp; ZAFMAN LLP

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## FACSIMILE COVER SHEET

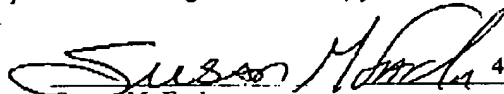
Deliver to: Tammara R. Peyton, USPTO Art Group: 2182  
Facsimile No.: (571) 273-8300 Date: April 27, 2006  
From: William W. Schaal, Reg. No. 39,018  
Our Docket No.: 6045P002XD2 Number of pages 6 including this sheet.  
Application No.: 09/707,647 Filing Date: 11/7/2000  
Docket Due Date(s): 4/27/2006

Enclosed are the following documents:

<input checked="" type="checkbox"/> Amendment: <u>Response</u> ( <u>2</u> pgs)	<input type="checkbox"/> Issue Fee Transmittal
<input type="checkbox"/> Appeal Brief ( <u>    </u> pgs)	<input type="checkbox"/> Notice of Appeal
<input type="checkbox"/> Application: <u>                    </u> ( <u>    </u> pgs) w/cover & abstract)	<input type="checkbox"/> Petition for: <u>                    </u>
<input type="checkbox"/> Assignment & Cover Sheet ( <u>    </u> pgs)	<input type="checkbox"/> Request for Continued Examination (RCE)
<input checked="" type="checkbox"/> Certificate of Facsimile <u>                    </u>	<input type="checkbox"/> Reply Brief ( <u>    </u> pgs)
<input type="checkbox"/> Continued Prosecution Application (CPA)	<input type="checkbox"/> Request & Certification Under 35 USC 122(b)(2)(B)(i)
<input type="checkbox"/> Declaration & POA ( <u>    </u> pgs)	<input type="checkbox"/> Request to Rescind Previous Nonpublication Request
<input type="checkbox"/> Drawings: <u>    </u> sheets, <u>    </u> figures	<input type="checkbox"/> Response to Notice of Missing Parts & Formalities Letter
<input type="checkbox"/> Extension of Time: <u>                    </u>	<input type="checkbox"/> Response to Written Opinion ( <u>    </u> pgs)
<input checked="" type="checkbox"/> Fee Transmittal (in duplicate)	<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> IDS & PTO/SB/08 ( <u>    </u> pgs)	<input type="checkbox"/> Transmittal of Publication Fee Due
<input type="checkbox"/> Other <u>                    </u>	<input checked="" type="checkbox"/> Transmittal Letter

**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8A)**

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Susan McFarlane Date 4/27/2006

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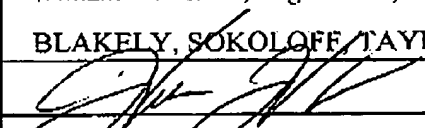
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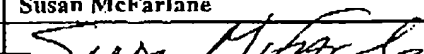
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APR 27 2006

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application No.	09/707,647	
	Filing Date	November 7, 2000	
	First Named Inventor	Kim Y. Kao	
	Art Unit	2182	
	Examiner Name	Tamara R. Peyton	
Total Number of Pages in This Submission	5	Attorney Docket Number	6045P002XD2


ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input checked="" type="checkbox"/> Amendment / Response  <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> PTO/SE/08  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/Incomplete Application  <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; height: 60px; width: 100%;"></div>
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	William W. Schaal, Reg. No. 39,018 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	April 27, 2006

CERTIFICATE OF MAILING/TRANSMISSION			
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Typed or printed name	Susan McFarlane	Date	April 27, 2006
Signature			

Based on PTO/SE/21 (09-04) as modified by Blakely, Sokoloff, Taylor & Zafman (w/ 11/30/2005  
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

APR 27 2006

<b>SUBMITTED BY</b>				<b>Complete (If applicable)</b>	
<b>Name (Print/Type)</b>	William W. Schaal	<b>Registration No.</b> (Attorney/Agent)	39,018	<b>Telephone</b>	(714) 557-3800
<b>Signature</b>				<b>Date</b>	04/27/06

PAGE 3/6 \* RCVD AT 4/27/2006 7:05:27 PM [Eastern Daylight Time] \* SVR:USPTO-EFXRF-1/9 \* DNIS:2738300 \* CSID:7145573347 \* DURATION (mm:ss):02:16

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**APR 27 2006**

<b>FEE TRANSMITTAL</b> <b>for FY 2005</b> <small>Patent fees are subject to annual revision.</small>		<i>Complete if Known</i>	
		Application Number	09/707,647
		Filing Date	November 7, 2000
		First Named Inventor	Kim Y. Kao
		Examiner Name	Tammara R. Peyton
		Art Unit	2182
		Attorney Docket No.	6045P002xd2
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.			
TOTAL AMOUNT OF PAYMENT	(\$)	0.00	

**METHOD OF PAYMENT** (check all that apply)

- ☐ Check ☐ Credit card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_  
☒ Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP  
 For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)  
☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee  
☒ Charge any additional fee(s) or underpayment of fee(s) ☐ Credit any overpayments  
 under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.

**FEE CALCULATION**

**1. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
19	20	0	\$0.00
Independent Claims	3	100.00	\$0.00
Multiple Dependent			

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 50	2202 25	Claims in excess of 20
1201 200	2201 100	Independent claims in excess of 3
1203 380	2203 180	Multiple Dependent claim, if not paid
1204 790	2204 385	**Reissue independent claims over original patent
1205 900	2205 150	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (1) (\$) 0.00

\*\*or number previously paid. If greater, For Reissues, see below

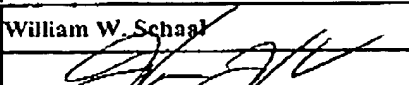
**2. ADDITIONAL FEES**

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1051 130	2051 65	Surcharge - late filing fee or oath
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet
2053 130	2053 130	Non-English specification
1251 120	2251 60	Extension for reply within first month
1252 460	2252 225	Extension for reply within second month
1253 1,020	2253 510	Extension for reply within third month
1254 1,890	2254 795	Extension for reply within fourth month
1255 2,160	2255 1,080	Extension for reply within fifth month
1401 800	2401 250	Notice of Appeal
1402 800	2402 250	Filing a brief in support of an appeal
1403 1,000	2403 500	Request for oral hearing
1451 1,510	2451 1,510	Petition to institute a public use proceeding
1460 130	2460 130	Petitions to the Commissioner
1807 50	1807 50	Processing fee under 37 CFR 1.17(a)
1808 180	1808 180	Submission of Information Disclosure Stmt
1809 790	1809 395	Filing a submission after final rejection (37 CFR § 1.129(b))
1810 790	2810 395	For each additional invention to be examined (37 CFR § 1.128(b))

Other fee (specify): \_\_\_\_\_

SUBTOTAL (2)

(\$)

<b>SUBMITTED BY</b>		<i>Complete (if applicable)</i>	
Name (Print/Type)	William W. Schaal	Registration No. (Attorney/Agent)	39,018
Signature		Telephone	(714) 557-3800
		Date	04/27/06

Based on PTO/SB/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (vtr) 12/15/2004  
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Appl. No. 09/707,647  
Amdt. Dated April 27, 2006  
Reply to Office Action of 3/27/2006

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application. No. : 09/707,647  
Applicant : Kim Y. Kao  
Filed : 11/07/2000  
TC/A.U. : 2182  
Examiner : Tammara R. Peyton

Confirmation No. 9344

Docket No. : 6045.P002XD2  
Customer No. : 8791

Commissioner for Patents  
PO Box 1450  
Alexandria VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

In the Office Action mailed March 27, 2006, the Examiner contends that the application contains claims directed to two distinct species, namely Species 1, (claims 25, 26, 28, and 30-45) directed to software to monitor an output of power usage profiles for the electrically powered device to detect a first condition and to adjust billing charges when the electrically powered device is in the first condition, the electrically powered device is placed in the first condition in response to an abnormal operating condition and Species 2, (claim 29) being directed to monitoring an output of an electrically powered device, and comparing the output to a database of operating profiles including a plurality of power usage profiles, for the electrically powered device to detect a first condition and to adjust billing charges when the electrically powered device is experiencing the first condition being a paper jam. Thus, pursuant to 35 U.S.C. 121, the Examiner requires Applicants to restrict the application to one of the alleged two inventions.

In compliance with 35 U.S.C. §121, Applicant elects Species 1 (claims 25, 26, 28 and 30-45).